

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CHARLES E. VENUS §  
VS. § CIVIL ACTION NO. 1:04cv545  
WARDEN CHILDRESS §

MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner Charles E. Venus, a federal prisoner confined in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the petition.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner argues strenuously that the denial of reduction of his sentence after participation in a substance abuse program violates recent cases clarifying sentencing and the Sentencing Guidelines. However important these cases are in the area of sentencing by district courts, they do not affect the discretion of prison officials under 18 U.S.C. § 3621(e) to determine whether a reduction of sentence should be given for completion of a

program offered to inmates. After careful consideration, the Court concludes the objections are without merit.

**ORDER**

Accordingly, petitioner's objections (document no. 11) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **24** day of **May, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge